

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF VIRGINIA
ROANOKE DIVISION**

JOSHUA LEE SMITH,

Plaintiff,

v.

Case No. 7:22-cv-00238-EKD-RSB

TWIN COUNTY REGIONAL
HEALTHCARE, et al.,

Defendants.

MOTION TO DISMISS

Defendant Karl R. Hade, Executive Secretary of the Supreme Court of Virginia, in his official capacity, by counsel, under Rules 12(b)(1) and 12(b)(6) of the Federal Rules of Civil Procedure, moves to dismiss the single claim asserted against him in the First Amended Complaint filed by Plaintiff Joshua Lee Smith. On the grounds stated in the accompanying Memorandum in Support, the Court lacks subject matter jurisdiction to adjudicate Smith's claim against Executive Secretary Hade, and the First Amended Complaint also fails to state a claim upon which relief may be granted against him.

Respectfully submitted,

KARL R. HADE

By: /s/ Sheri H. Kelly
Counsel

Jason S. Miyares
Attorney General of Virginia

Steven G. Popps
Deputy Attorney General

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**Counsel for Defendant Karl R. Hade*

CERTIFICATE

I hereby certify that on July 13, 2022, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system, which will send a service copy to all defendants that have been served and have appeared by counsel. The remaining defendants were not served.

By: /s/ Sheri H. Kelly
Sheri H. Kelly